

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 15-1242CLICK-TO_CALL TECHNOLOGIES, LP

v.

ORACLE CORPORATION, ET AL.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Oracle Corporation and Oracle OTC Subsidiary LLC

Party is (select one) ☐ Appellant/Petitioner ☐ Cross-Appellant
☒ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. Patent and Trial Appeal Board Case No. IPR2013-00312Date of Judgment/Order 10/28/2014 Type of Case Inter Partes ReviewRelief sought on appeal Affirmance

Relief awarded below (if damages, specify) _____
 Board found claims unpatentable

Briefly describe the judgment/order appealed from _____
 Board found Appellees demonstrated by a preponderance of evidence that claims 1,2,8,12,13,15,16,19,22,23,26,29, and 30 of U.S. Patent No. 5,818,836 are upatentable based on the grounds of unpatentability in view of U.S. Patent No. 5,991,394 and Dale Dougherty & Richard Koman, The Mosaic Handbook for Microsoft Windows 17-30 (1994) either alone or in combination.

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FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____
None

Brief statement of the issues to be raised on appeal _____
According to Patent Owner's Notice of Appeal, Appellant appeals the Patent Trial and Appeal Board's Final Written Decision and all underlying findings, determinations, orders, decisions, rulings, and opinions.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? _____

Robert Faulkner (Ret.) _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____

Due to the Board's Final Written Decision, many of the claims of U.S. Patent No. 5,818,836 are now unpatentable. U.S. Patent No. 5,818,836 was asserted against Oracle Corporation and Oracle OTC Subsidiary LLC in a litigation matter. Oracle Corporation and Oracle OTC Subsidiary LLC's defenses to liability are strong and Appellant's damages estimation is considerably overvalued.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

None

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 22 day of January, 2015

by: CM/ECF and First Class Mail

(manner of service)

Mark Fowler

/s/ Mark Fowler

Name of Counsel

Signature of Counsel

Law Firm DLA PIPER LLP (US)

Address 2000 University Avenue

City, State, ZIP East Palo Alto, CA 94303

Telephone Number 650.833.2048

FAX Number 650.687.1166

E-mail Address mark.fowler@dlapiper.com